

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
E/S Bentley Road, 1200' SE of *
Mount Zion Road * DEPUTY ZONING COMMISSIONER
(1108 Bentley Road) *
6th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
J. Douglas Radebaugh * Case No. 96-370-X
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1108 Bentley Road, located in the vicinity of Valley Mill Road in Freeland. The Petition was filed by the owner of the property, J. Douglas Radebaugh, and the Contract Lessee, Cellular One, by R. Michael Maus. The Petitioners seek approval of a wireless transmitting or receiving facility on the subject property as a principle use, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Karl J. Nelson, Esquire, attorney for the Petitioner, Mike Maus, Thomas V. Rodgers and Tahir H. Qazi, representatives of Cellular One, the Contract Lessee, and James D. Grammer, Professional Engineer with McKee and Associates, who prepared the site plan for this project. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2500 sq.ft. (or, 0.06 acres), and is located on a 170-acre farm in northern Baltimore County. The property is split zoned R.C.2 and R.C.4. The Petitioners are desirous of

MICROFILMED

ORDER RECEIVED FOR FILING
Date 2/8/96
By [Signature]

erecting a 150-foot high monopole on the subject property with a wireless transmitting and receiving facility thereon in the location shown on the site plan marked as Petitioner's Exhibit 1. In addition, the requisite equipment building will be constructed at the base of the pole. Due to the R.C.2/R.C.4 zoning of the property, the relief requested is necessary in order to proceed as proposed. Given the size of this property, the proposed device will not result in any detriment to the surrounding locale and will meet all setback requirements. Furthermore, it was clear from the testimony that the relief requested meets the requirements of Section 502.7 of the B.C.Z.R., which specifically deals with wireless transmitting and receiving devices. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).


The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1996 that the Petition for Special Exception seeking approval of a wireless transmitting or receiving facility on the subject property as a principle use, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 5/8/96

By [Signature]

RECEIVED



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1108 Bentley Road

which is presently zoned RC-2/RC-4

96-370-X
This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

The erection of a wireless transmitting or receiving facility as a principle use as per Section 1A01.2.C.23 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

R. Michael Maus
(Type or Print Name)

Signature

7150 Standard Drive
Address

Hanover, MD 21076
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

J. Douglas Radebaugh
(Type or Print Name)

Signature

(Type or Print Name)

Signature

1108 Bentley Road 410.357.5405
Address Phone No.

Freeland MD 21053
City State Zipcode
Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc. 527-1555
Name

5 Shawan Road, Hunt Valley, MD 21030
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JF DATE 3/26/96

365



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MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

January 15, 1996

ZONING DESCRIPTION TO
ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AT
1108 BENTLEY ROAD
SIXTH ELECTION DISTRICT

96-370-X

Beginning at a point, said point being situated 1,200 feet, more or less, southeasterly from Mount Zion Road (measured along Bentley Road) and 1,570 feet, more or less, northeasterly from Bentley Road; then running northwesterly 50 feet; then northeasterly 50 feet; then southeasterly 50 feet; then southwesterly 50 feet to the point of beginning.

Containing 2,500 square feet or 0.06 acres of land, more or less. Lying in the Sixth Election District, Third Councilmanic District.



1/15/96

365

MICROFILMED

Post by: 4/17/96

CASE NUMBER: 96-370-X (Item 365)

1108 Bentley R 1

E/S Bentley Road, 1200'+/- SE of Mount Zion Road and 1570' NE from Bentley Road

6th Election District - 3rd Councilmanic

Legal Owner: J. Douglas Radebaugh

Contract Purchaser/Lessee: Cellarone/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

RECORDED

Post
4/15/96
J. Radebaugh

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

THE JEFFERSONIAN,

LEGAL AD., TOWSON

A. H. Henrichs

MICROFILMED

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereafter in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland, 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case #96-3715-X
(then 866)
1108 Bentley Road
ES Bentley Road 1200 SE of Mount Zion Road and 15700 NE from Bentley Road 6th Election District
3rd Courthouse
Legal Owner(s): J. Douglas Parkinson
Contract Purchaser/Assignee: Catherine E. Michael Woods
Special Exception for the erection of a wireless transmitting or receiving facility, \$5 a principle use.
Hearing: Thursday, May 2, 1996, at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.
LAWRENCE E. SCANDITZ
Zoning Commissioner, for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for Special accommodations. Please Call 867-3353.
(2) For information concerning the fee and/or Hearing, Please Call 867-3391.
4739 April 11, 1996

BALTIMORE COUNTY MARYLAND
OFFICE OF FINANCE - VENUE DIVISION
MISCELLANEOUS CASH RECEIPT

1. 01 917

DATE 3/26/96

ACCOUNT R-001-615-000

96-370-X

AMOUNT \$ 335.00

RECEIVED FROM: McKee & Associates, Inc.

050 -- Special Exception -- \$300

050 - Sign - - - - -

\$35

ITEM #365

FOR:

335.00

Taken by: Jern

MICROFILMED

03491ND296MICHR

BA 0002#34PMD3-26-96

\$335.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 365 Petitioner: J. DOUGLAS RADEBAUGH

Location: NE SIDE BENTLEY RD, 1200' SE'LY FROM MT. ZION RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: McKEE & ASSOCIATES, INC

ADDRESS: 5 SHAWAN ROAD

HUNT VALLEY, MD 21030

PHONE NUMBER: (410) 527-1555

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Printed with Soybean Ink
on Recycled Paper

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

Mr. J. Douglas Radebaugh
1108 Bentley Road
Freeland, MD 21053

RE: Item No.: 365
Case No.: 96-370-X
Petitioner: J. Douglas Radebaugh

Dear Mr. Radebaugh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 15, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 1996
Item Nos. 362, 365, 366, 368, 371, 373,
374, & 375

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

4-12-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 365 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-⁵⁴⁵⁻⁵⁵⁸¹~~333-1350~~ if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: April 10, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 365, 366, 368, 369, 371, 375, 376, 379, 382, 384, 385, 386 and 388

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Cary L. Kerns

PK/JL

ITEM365/PZONE/TXTJWL

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/09/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 08, 1996

Item No.: SEE BELOW

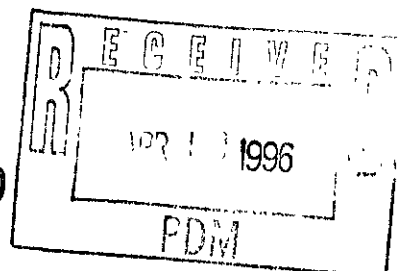
Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 365, 366, 367, 368, 369,
370, 371, 372, 373, 374 AND 375.

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REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 9, 1997

Mr. James D. Grammer
McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, MD 21030

RE: Zoning Verification
1108 Bentley Road
Zoning Case #96-370-X
6th Election District

Dear Mr. Grammer:

The staff has reviewed the proposed greenhouse expansion (as described in your letter and red-lined plan) adjacent to the special exception site area in case 96-370-X. Since the proposed building is outside of the approved special exception area, the staff can state that the building expansion is within the spirit and intent of the order and approved site plan in the above referenced case. Please provide a second red-lined plan with a copy of this letter for inclusion in the zoning record files. Document this approval on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis", is written over a horizontal line.

John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning case 96-370-X

Enclosure

MICROFILM



RE: PETITION FOR SPECIAL EXCEPTION
1108 Bentley Road, E/S Bentley Rd, 1200'
+/- SE of Mount Zion Road and 1570' NE
from Bentley Road, 6th Election District,
3rd Councilmanic

Legal Owner: J. Douglas Radebaugh
Contract Purchaser/Lessee: Cellular One/
R. Michael Maus
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 96-370-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

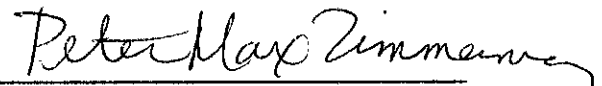


CAROLE S. DEMILIO

Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.



PETER MAX ZIMMERMAN

MICROFILMED

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

Environmental Impact Statement CELLULARONE - "RADEBAUGH" March 26, 1996

1. Project Description

Proposed cellular antenna, 125' high and proposed 26' x 12' building, both located inside a chainlink fence to encompass approximately 2,500 square feet. The proposed concrete block building will have a 4 x 4 concrete pad at the entrance door. The fence will be gated after which will be a 27' x 12' crusher run drive. The entire fenced area exclusive of the antenna, building and drive will be gravel and therefore pervious.

The project site is 178 acres and is located on Bentley Road, north of the intersection with Valley Mill Road approximately half of property is wooded while the other half is actively farmed. Two tributaries of Bee Tree Run originate on site and meet with the main stream at the southeast corner of the property.

2. Proposed impact of the building, antenna and gravel drive on the stream resource, which is approximately 400 to the northeast, will be negligible as approximately 200 feet of forest cover exist between the antenna and the resource. Any additional runoff, however insignificant, will be attenuated in the forest resource if not in the agricultural field.
3. No adverse environmental impact will result from this project.
4. No alternatives are required since no adverse effects will result.
5. As stated previously, adverse effects will not result from this action, either short term or long term.
6. No irreversible or irretrievable commitment of resources will result.

#365

MICROFILMED

~~Turn~~
4/2 file

FACSIMILE
(410) 539-1269

RECEIVED
APR 30 1996
ZONING COMMISSIONER

may 2, 1996

Please be advised that Petitioner, Washington/Baltimore Cellular Limited Partnership, trading as Cellular One, will be represented at the hearing scheduled for May 10, 1996 by Karl J. Nelson and the firm of Kramon & Graham, P.A.

Very truly yours,

Called
Mr. Nelson's
office to
advise of Proj
May 2 date.
Bj 4/30/90

cc: Mr. R. Michael Maus

WIC-77-12-19

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES D. GRAMMER

McKEE & ASSOC. 5 SHAWAN RD
HUNT VALLEY 21030

TAHIR H. QAZI

CELLULAR ONE 7150 STANDARD DRIVE
HANDOVER, MD 21046

THOMAS V. ROGERS

CELLULAR ONE 7150 STANDARD DR
HANDOVER, MD 21046

MIKE MARS

" " " "



N-143,000

PROPOSED ANTENNA
FACILITY
(50' x 50')

R. C. 2

N-142,000

365

96-370-X

CELL-2 RADEBAUGH
ZONING MAP: N.W. 36-D

R. C. 2

MICROFILMED

SCALE: 1" = 200'
MARCH 26, 1996

N-141,000

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

AMENDED
Environmental Impact Statement
CELLULARONE - "RADEBAUGH"
March 26, 1996
Revised May 1, 1996

1. Project Description

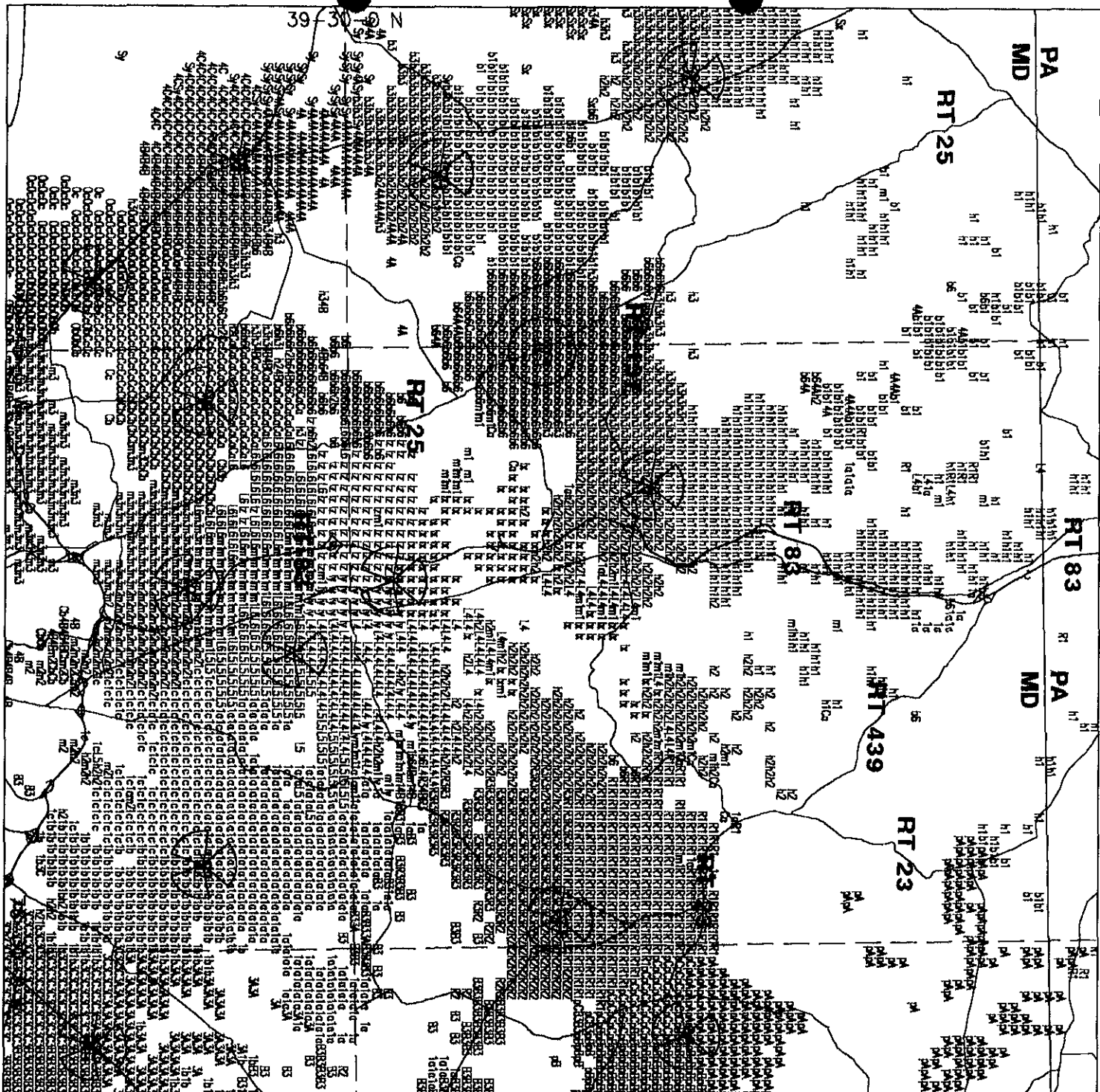
Proposed cellular antenna, 125' high and proposed 26' x 12' building, both located inside a chainlink fence to encompass approximately 2,500 square feet. The proposed concrete block building will have a 4 x 4 concrete pad at the entrance door. The fence will be gated after which will be a 27' x 12' crusher run drive. The entire fenced area exclusive of the antenna, building and drive will be gravel and therefore pervious.

The project site is 178 acres and is located on Bentley Road, north of the intersection with Valley Mill Road approximately half of property is wooded while the other half is actively farmed. Two tributaries of Bee Tree Run originate on site and meet with the main stream at the southeast corner of the property.

2. Proposed impact of the building, antenna and gravel drive on the stream resource, which is approximately 400 to the northeast, will be negligible as approximately 200 feet of forest cover exist between the antenna and the resource. Any additional runoff, however insignificant, will be attenuated in the forest resource if not in the agricultural field.
3. No adverse environmental impact will result from this project. As for emission levels, the FCC is developing regulations governing the acceptable levels of emissions from these uses. Because CellularOne is licensed by the FCC, all of its sites will be required to comply with the FCC standards when promulgated. In the meantime, the site will be in compliance with the well-recognized and definitive ANSI Standards applicable to cellular sites.
4. No alternatives are required since no adverse effects will result.
5. As stated previously, adverse effects will not result from this action, either short term or long term.
6. No irreversible or irretrievable commitment of resources will result.

PETITIONER'S
EXHIBIT 2

MICROFILMED



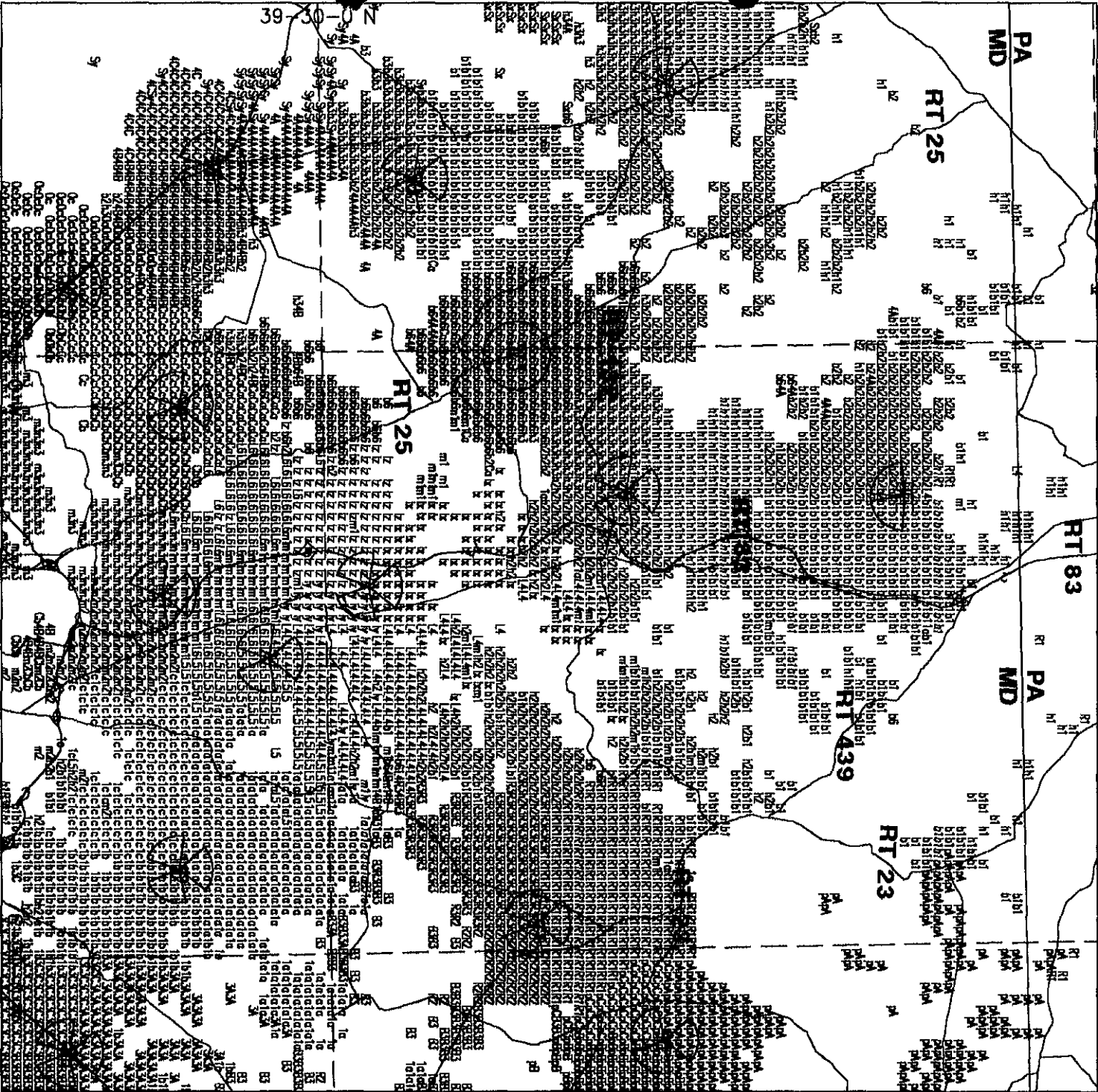
Southwestern Bell Mobile Systems
 Best Server (CHAR = SITN COLOR = dbm)
 Market: CellularONE
 Time: Wed May 1 11:35:27 1996
 Group: 778 W/O BETREE SITE
 Plot: W/O BETREE SITE
 File: L:\WSHBAIT\Plot\4805.plt

PRISONER'S
 "Before"
 LADY

MICROFILMED

--- Detail in report L:\WSHBAIT\Plot\4805.BPT ---
 THRESHOLD:
 --- Signal >= -90 dbm ---
 DNLC
 ANET v1.7
 9501 ML
 LCC,LLC
 SCALE: 1:200,001 USER: SHACHOU
 Miles
 0.00 2.0 4.0

MICROFILMED



Southwestern Bell Mobile Systems
 Best Server (CHAR = STTN COLOR = dBm)
 Market: CellulOne
 Time: Mon Apr 29 14:27:46 1996
 Group: 777 BeeTree site (hearing) TQ
 Plot: BEE TREE SITE HEARING
 File: L:\MSB\BTL\PLAN\4806.plt

PETITIONER'S EXHIBIT 4

MICROFIL MED

--- Detail in report L:\MSB\BTL\PLAN\4806.rpt ---
 THRESHOLD:
 --- Signal >= -90 dBm ---
 ANET v1.7
 9501 ML
 LCC,LLC.
 DNLC
 SCALE: 1:200,001 USER: SHACHOU
 0.00 2.0 4.0 MRS

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Karl J. Nelson, Esquire
Krammon & Graham
14 The Strand
Sparks, Maryland 21152

RE: PETITION FOR SPECIAL EXCEPTION
E/S Bentley Road, 1200' SE of Mount Zion Road
(1108 Bentley Road)
6th Election District - 3rd Councilmanic District
J. Douglas Radebaugh - Petitioner
Case No. 96-370-X

Dear Mr. Nelson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. J. Douglas Radebaugh
1108 Bentley Road, Freeland, Md. 21053

Mr. R. Michael Maus, Cellular One
7150 Standard Drive, Hanover, Md. 21076

Mr. James D. Grammer, McKee & Associates,
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel; Case File

MICROFILMED



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____ prepared by: _____ Scale of Drawing: 1"= _____



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#:

Zoning: _____

Lot size: _____ acreage _____ square feet

public private
SEWER: ☐ ☐
WATER: ☐ ☐
yes no

Chesapeake Bay Critical Area: ☐ ☐
Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUXENT PUBLISHING COMPANY
April 11, 1996 Issue - Jeffersonian

Please forward billing to:

McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, MD 21030
410-527-1555

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-370-X (Item 365)
1108 Bentley Road
E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road
6th Election District - 3rd Councilmanic
Legal Owner: J. Douglas Radebaugh
Contract Purchaser/Lessee: Cellarone/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-370-X (Item 365)
1108 Bentley Road
E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road
6th Election District - 3rd Councilmanic
Legal Owner: J. Douglas Radebaugh
Contract Purchaser/Lessee: Cellarone/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: J. Douglas Radebaugh
McKee & Associates, Inc.
R. Michael Maus

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



IN RE: PETITION FOR SPECIAL EXCEPTION
E/S Bentley Road, 1200' SE of
Mount Zion Road
(1108 Bentley Road)
6th Election District
3rd Councilmanic District
J. Douglas Radebaugh
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-370-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1108 Bentley Road, located in the vicinity of Valley Mill Road in FreeLand. The Petition was filed by the owner of the property, J. Douglas Radebaugh, and the Contract Lessee, Cellular One, by R. Michael Maus. The Petitioners seek approval of a wireless transmitting or receiving facility on the subject property as a principle use, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Karl J. Nelson, Esquire, attorney for the Petitioner, Mike Maus, Thomas V. Rodgers and Paul H. Qazi, representatives of Cellular One, the Contract Lessee, and James D. Grammer, Professional Engineer with McKee and Associates, who prepared the site plan for this project. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2500 sq.ft. (or, 0.06 acres), and is located on a 170-acre farm in northern Baltimore County. The property is zoned R.C.4 and R.C.1. The Petitioners are desirous of

erecting a 150-foot high monopole on the subject property with a wireless transmitting and receiving facility thereon in the location shown on the site plan marked as Petitioner's Exhibit 1. In addition, the requisite equipment building will be constructed at the base of the pole. Due to the R.C.2/R.C.4 zoning of the property, the relief requested is necessary in order to proceed as proposed. Given the size of this property, the proposed device will not result in any detriment to the surrounding locale and will meet all setback requirements. Furthermore, it was clear from the testimony that the relief requested meets the requirements of Section 502.7 of the B.C.Z.R., which specifically deals with wireless transmitting and receiving devices. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

- 2 -

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1996 that the Petition for Special Exception seeking approval of a wireless transmitting or receiving facility on the subject property as a principle use, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

ORDER RECEIVED FOR FILING
Date 5/16/96
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Karl J. Nelson, Esquire
Kramon & Graham
14 The Strand
Sparks, Maryland 21152

RE: PETITION FOR SPECIAL EXCEPTION
E/S Bentley Road, 1200' SE of Mount Zion Road
(1108 Bentley Road)
6th Election District - 3rd Councilmanic District
J. Douglas Radebaugh - Petitioner
Case No. 96-370-X

Dear Mr. Nelson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: Mr. J. Douglas Radebaugh
1108 Bentley Road, FreeLand, Md. 21053

Mr. R. Michael Maus, Cellular One
7150 Standard Drive, Hanover, Md. 21076

Mr. James D. Grammer, McKee & Associates,
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel; Case File

Printed with Spectra on the
back of this form.

Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 1108 Bentley Road
which is presently zoned RC-2/RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

The erection of a wireless transmitting or receiving facility as a principle use as per Section 1A01.2.C.23 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and

are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner:
R. Michael Maus
7150 Standard Drive
Hanover, MD 21076

Signature: _____
Date: _____

Address: _____
City: _____

Legal Owner(s):
J. Douglas Radebaugh
Signature: _____
Date: _____

Address: _____
City: _____

McKee & Associates, Inc. 527-1555
3 Shawan Road, Hunt Valley, MD 21030

ESTIMATE LENGTH OF HEARING
the following date _____

REVIEWED BY: _____ DATE: 3/24/96

345

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1553

January 15, 1996

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AT 1108 BENTLEY ROAD SIXTH ELECTION DISTRICT

Beginning at a point, said point being situated 1,200 feet, more or less, southeasterly from Mount Zion Road (measured along Bentley Road) and 1,570 feet, more or less, northeasterly from Bentley Road; then running northeasterly 50 feet; then northeasterly 50 feet; then southeasterly 50 feet; then southwesterly 50 feet to the point of beginning.

Containing 2,500 square feet or 0.06 acres of land, more or less. Lying in the Sixth Election District, Third Councilmanic District.



345

Post by: 4/17/96
CASE NUMBER: 96-370-X (Item 365)
1108 Bentley Road
E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road
6th Election District - 3rd Councilmanic
Legal Owner: J. Douglas Radebaugh
Contract Purchaser/Lessee: Cellular One/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

THE JEFFERSONIAN,
A. Hennessy
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Board of Appeals, has received a Petition for Special Exception from J. Douglas Radebaugh, Legal Owner, and R. Michael Maus, Contract Purchaser/Lessee, for the erection of a wireless transmitting or receiving facility as a principle use on the subject property located at 1108 Bentley Road, E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road, 6th Election District - 3rd Councilmanic District.

Legal Owner(s):
J. Douglas Radebaugh
Contract Purchaser/Lessee:
R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use on the subject property located at 1108 Bentley Road, E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road, 6th Election District - 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE & REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 4/11/96 ACCOUNT: 96-370-X

RECEIVED FROM: 96-370-X AMOUNT: \$ 225.00

FOR: 1108 Bentley Road, E/S Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road, 6th Election District - 3rd Councilmanic District

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

File No: 365 Petitioner: J. DOUGLAS RADERBAUGH
1108 BENTLEY RD, 1200' SE BY FROM MT ZION RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MCKEE & ASSOCIATES, INC

ADDRESS: 5 SHAWAC ROAD

HUNT VALLEY, MD 21046

PHONE NUMBER: (410) 521-1555

THE PATENT PUBLISHING COMPANY
April 11, 1996 Issue - Jeffersonian

Please forward billing to:

Mckee & Associates, Inc.
5 Shawac Road
Hunt Valley, MD 21046
410-521-1555

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-370-X (Item 365)

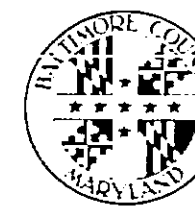
1108 Bentley Road
5/8 Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road
5th Election District - 3rd Councilmanic
Legal Owner: J. Douglas Raderbaugh
Contract Purchaser/Lessee: Cellarone/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. BOWEN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 6, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-370-X (Item 365)

1108 Bentley Road
5/8 Bentley Road, 1200' +/- SE of Mount Zion Road and 1570' NE from Bentley Road
5th Election District - 3rd Councilmanic
Legal Owner: J. Douglas Raderbaugh
Contract Purchaser/Lessee: Cellarone/R. Michael Maus

Special Exception for the erection of a wireless transmitting or receiving facility as a principle use.

HEARING: THURSDAY, MAY 2, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: J. Douglas Raderbaugh
Mckee & Associates, Inc.
R. Michael Maus

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1996

Mr. J. Douglas Raderbaugh
1108 Bentley Road
Freeland, MD 21053

RE: Item No.: 365
Case No.: 96-370-X
Petitioner: J. Douglas Raderbaugh

Dear Mr. Raderbaugh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 15, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 1996
Item Nos. 362, 365, 366, 368, 371, 373,
374, & 375

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJG:jrb

cc: File

ZON56



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
item No. 365 (5-15-96)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-336-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
for Televised Hearing or Speech

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: April 10, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 365, 366, 368, 369, 371, 373, 374, 379, 382, 384, 385, 386 and 388

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey Long

Division Chief: [Signature]

PK/JL

ITEM365/PZONE/TXTJWL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/09/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 08, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 365, 366, 367, 368, 369,
370, 371, 372, 373, 374 and 375.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 9, 1997

Mr. James D. Grammer
McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, MD 21030

RE: Zoning Verification
1108 Bentley Road
Zoning Case #96-370-X
6th Election District

Dear Mr. Grammer:

The staff has reviewed the proposed greenhouse expansion (as described in your letter and red-lined plan) adjacent to the special exception site area in case 96-370-X. Since the proposed building is outside of the approved special exception area, the staff can state that the building expansion is within the spirit and intent of the order and approved site plan in the above referenced case. Please provide a second red-lined plan with a copy of this letter for inclusion in the zoning record files. Document this approval on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning case 96-370-X

Enclosure

RE: PETITION FOR SPECIAL EXCEPTION
1108 Bentley Road, E/S Bentley Rd, 1200'
+/- SE of Mount Zion Road and 1570' NE
from Bentley Road, 6th Election District,
3rd Councilmanic
Legal Owner: J. Douglas Radebaugh
Contract Purchaser/Lessee: Cellular One/
R. Michael Maus
Petitioners
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-370-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2189

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

Environmental Impact Statement
CELLULARONE - "RADEBAUGH"
March 26, 1996

1. Project Description

Proposed cellular antenna, 125' high and proposed 26' x 12' building, both located inside a chainlink fence to encompass approximately 2,500 square feet. The proposed concrete block building will have a 4 x 4 concrete pad at the entrance door. The fence will be gated after which will be a 27' x 12' crusher run drive. The entire fenced area exclusive of the antenna, building and drive will be gravel and therefore pervious.

The project site is 178 acres and or located on Bentley Road, north of the intersection with Valley Mill Road approximately half of property is wooded while the other half is actively farmed. Two tributaries of Bee Tree Run originate on site and meet with the main stream at the southeast corner of the property.

2. Proposed impact of the building, antenna and gravel drive on the stream resource, which is approximately 400 to the northeast, will be negligible as approximately 200 feet of forest cover exist between the antenna and the resource. Any additional runoff, however insignificant, will be attenuated in the forest resource if not in the agricultural field.

3. No adverse environmental impact will result from this project.

4. No alternatives are required since no adverse effects will result.

5. As stated previously, adverse effects will not result from this action, either short term or long term.

6. No irreversible or irretrievable commitment of resources will result.

#365

Law Offices
KRAMON & GRAHAM, P.A.
Commerce Place
One South Street, Suite 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030

April 26, 1996

Mr. Lawrence E. Schmidt
Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Re: 1108 Bentley Road
Case No. 96-370-X (Item 365)

Dear Mr. Schmidt:

Please be advised that Petitioner, Washington/Baltimore Cellular Limited Partnership, trading as CellularOne, will be represented at the hearing scheduled for May 10, 1996 by Karl J. Nelson and the firm of Kramon & Graham, P.A.

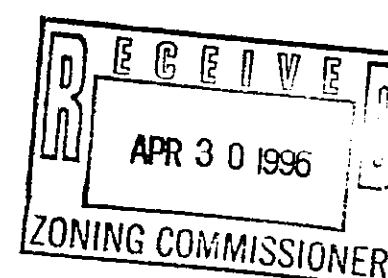
Thank you for your attention to this matter.

Very truly yours,

Karl J. Nelson
Karl J. Nelson

KJN:jes

cc: Mr. R. Michael Maus

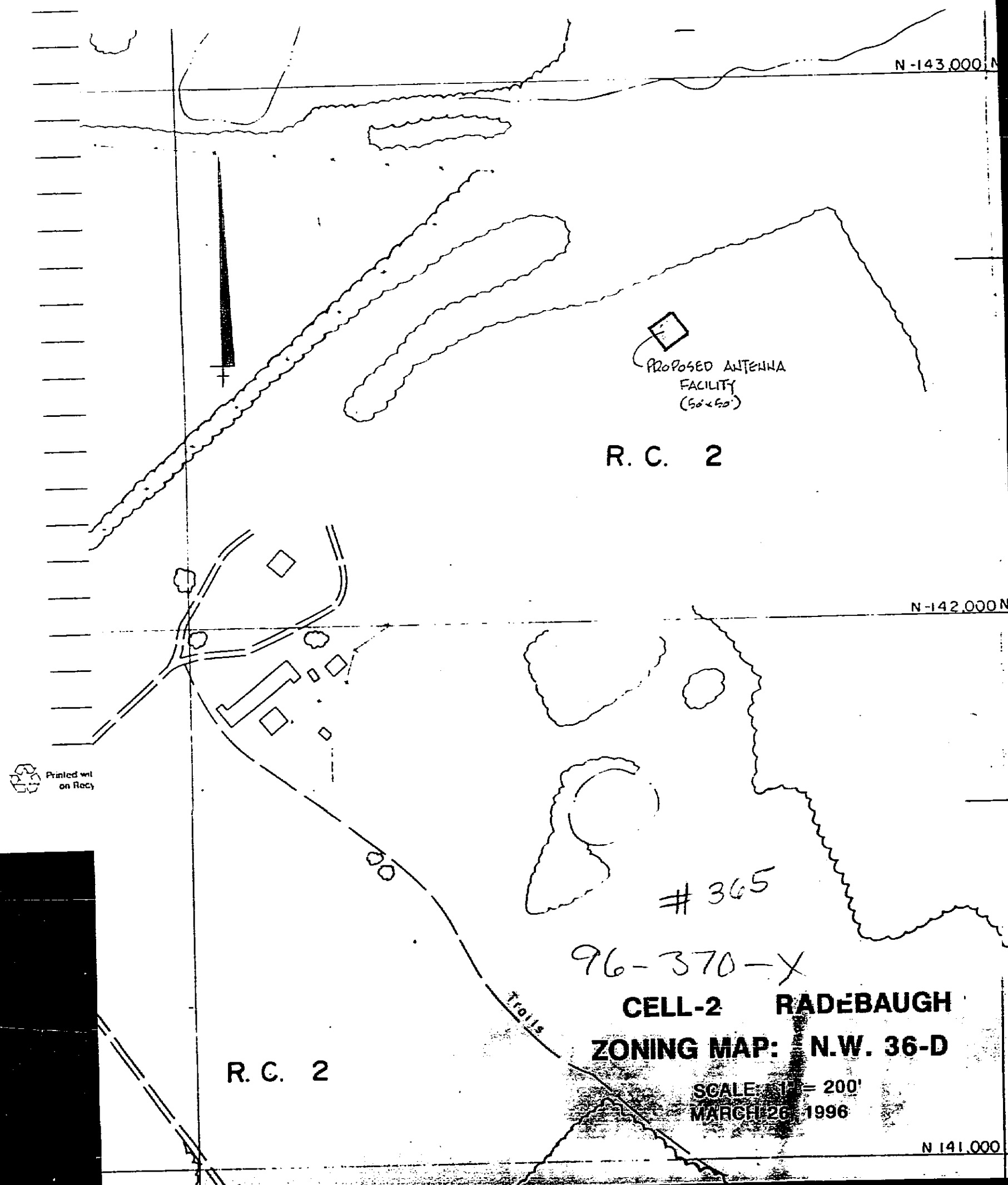


Called Mr. Nelson's office to advise of Mr. May 2 date. 4/30/96

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES D. GRAMMER	5 SHAWAN RD HUNT VALLEY 21030
TAHIC H. QAZI	7150 STANDARD DRIVE HANOVER MD 21046
THOMAS V. KRAMER	7150 STANDARD DR HANOVER MD 21046
MIKE MAUS	"



MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

AMENDED
Environmental Impact Statement
CELLULARONE - "RADEBAUGH"
March 26, 1996
Revised May 1, 1996

1. Project Description

Proposed cellular antenna, 125' high and proposed 26' x 12' building, both located inside a chainlink fence to encompass approximately 2,500 square feet. The proposed concrete block building will have a 4 x 4 concrete pad at the entrance door. The fence will be gated after which will be a 27' x 12' crusher run drive. The entire fenced area exclusive of the antenna, building and drive will be gravel and therefore pervious.

The project site is 178 acres and or located on Bentley Road, north of the intersection with Valley Mill Road approximately half of property is wooded while the other half is actively farmed. Two tributaries of Bee Tree Run originate on site and meet with the main stream at the southeast corner of the property.

2. Proposed impact of the building, antenna and gravel drive on the stream resource, which is approximately 400 to the northeast, will be negligible as approximately 200 feet of forest cover exist between the antenna and the resource. Any additional runoff, however insignificant, will be attenuated in the forest resource if not in the agricultural field.

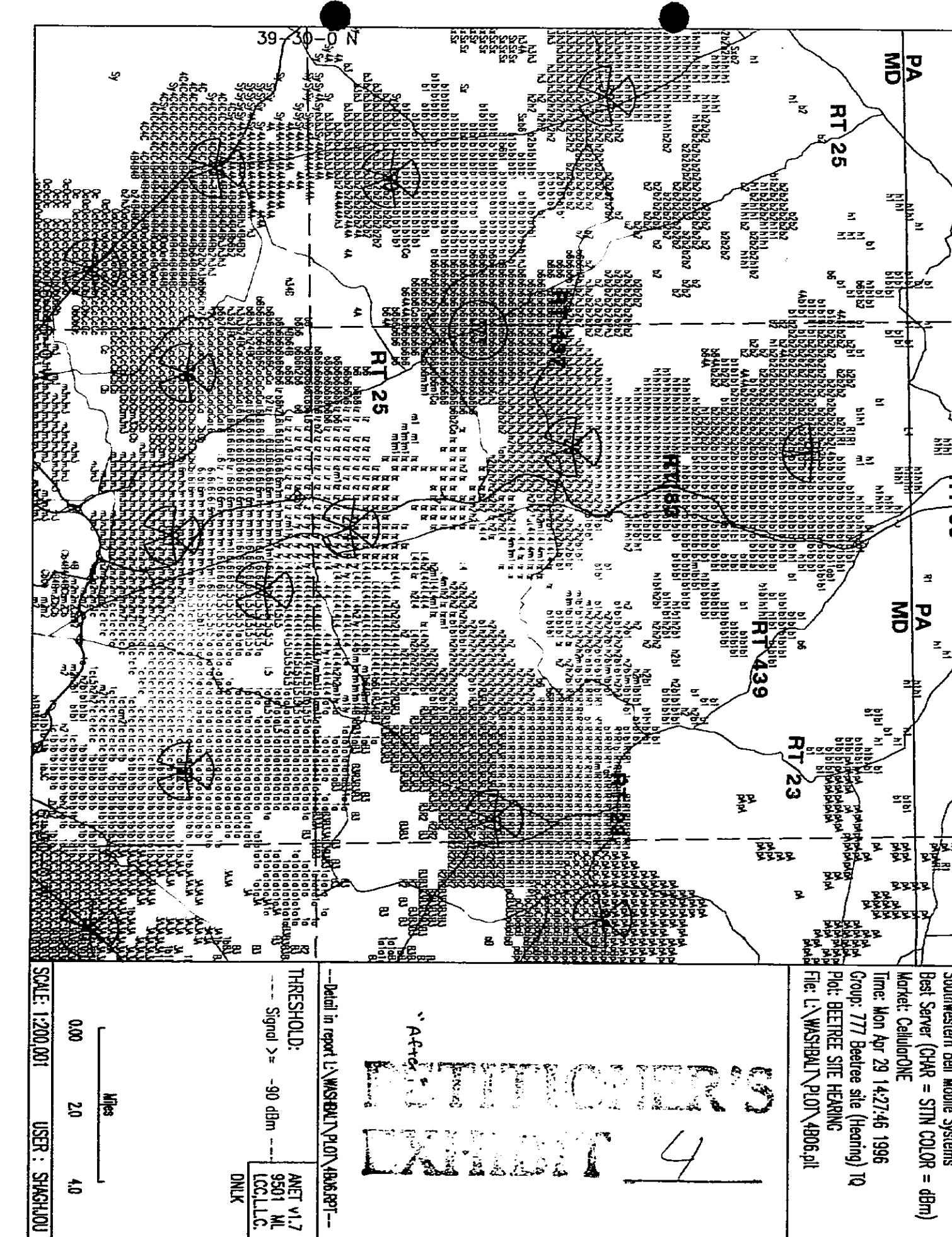
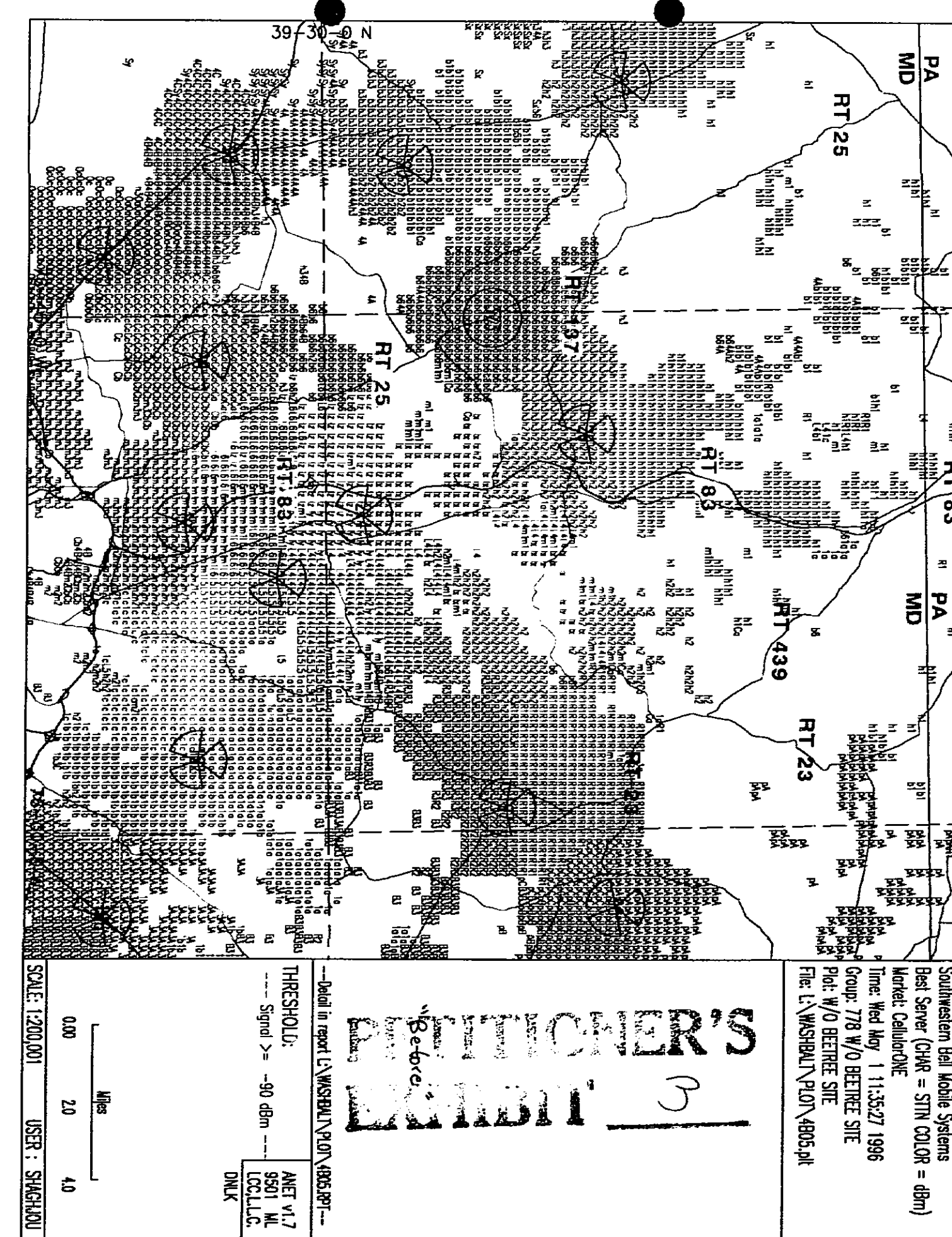
3. No adverse environmental impact will result from this project. As for the emission levels, the FCC is developing regulations governing the acceptable levels of emissions from these uses. Because CellularOne is licensed by the FCC, all of its sites will be required to comply with the FCC standards when promulgated. In the meantime, the site will be in compliance with the well-recognized and definitive ANSI Standards applicable to cellular sites.

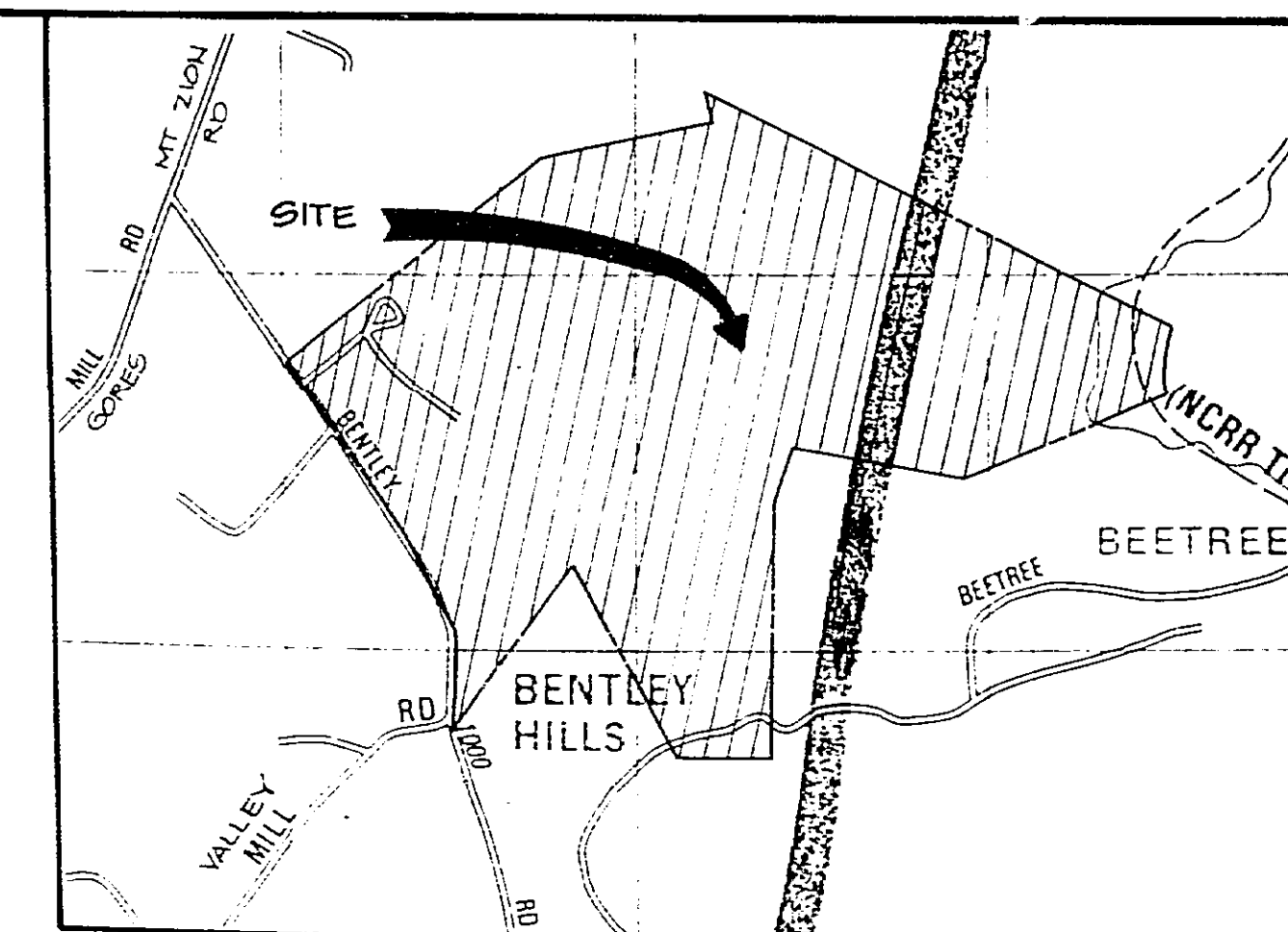
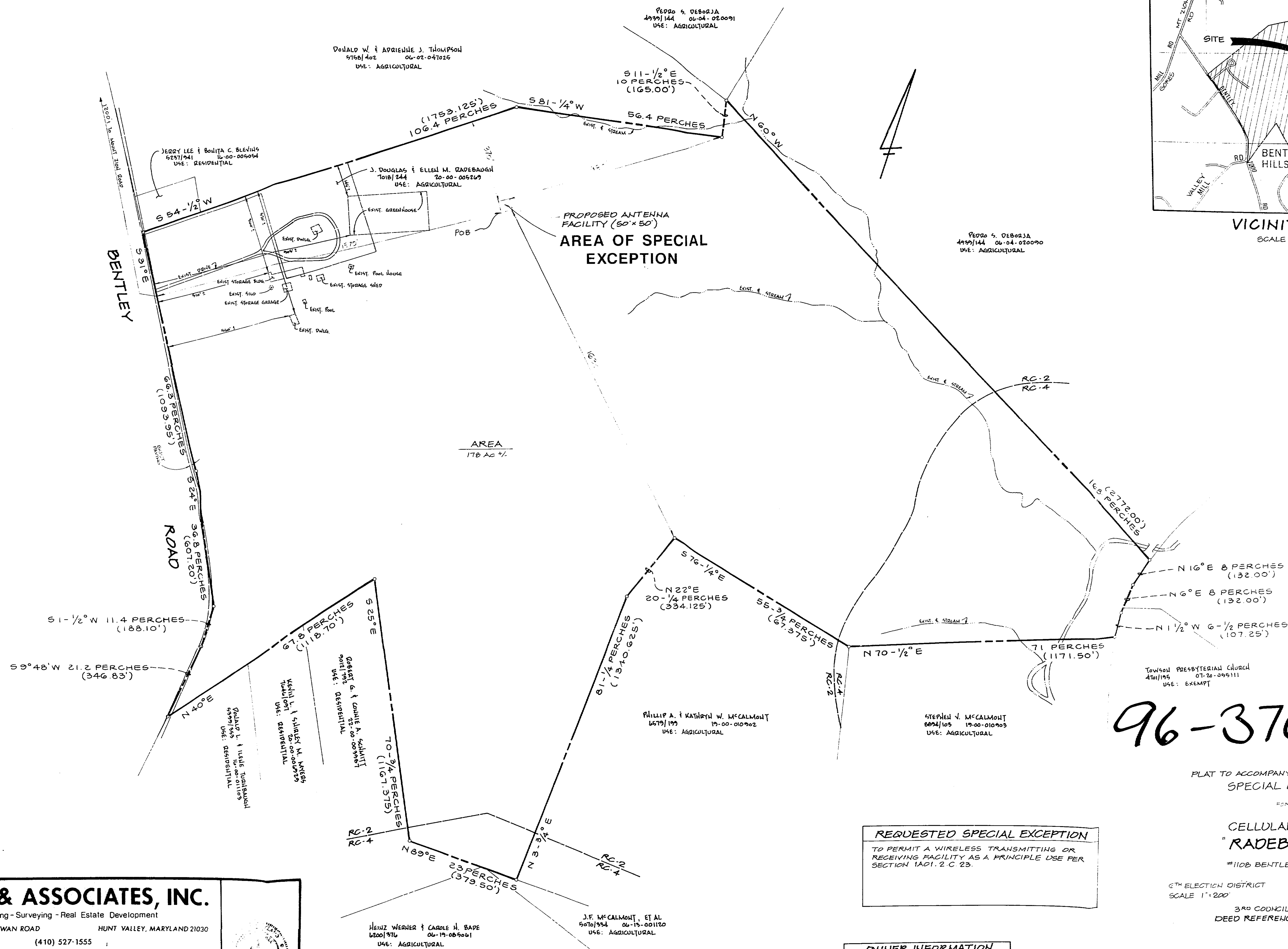
4. No alternatives are required since no adverse effects will result.

5. As stated previously, adverse effects will not result from this action, either short term or long term.

6. No irreversible or irretrievable commitment of resources will result.

PETITIONER'S EXHIBIT 2





VICINITY MAP
SCALE 1"=1000'

PETITIONER'S
EXHIBIT

96-370-X

PLAT TO ACCOMPANY APPLICATION FOR
SPECIAL EXCEPTION

CELLULAR ONE
"RADEBAUGH"
#1108 BENTLEY ROAD

6TH ELECTION DISTRICT BALTIMORE CO., MD
SCALE 1"=200' NOVEMBER 19 1995
3RD COUNCILMANIC DIST.
DEED REFERENCE: 6864/394

SHEET 1 OF 2

365

NOTE: THERE ARE NO PREVIOUS ZONING HEARINGS FOR THIS SITE

REQUESTED SPECIAL EXCEPTION
TO PERMIT A WIRELESS TRANSMITTING OR
RECEIVING FACILITY AS A PRINCIPLE USE PER
SECTION 1A01.2 C. 23.

OWNER INFORMATION
Stephen M. Radabaugh
Joseph L. Radabaugh, Jr.
J. L. Radabaugh
J. B. Radabaugh
Frederick, MD 21053

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Computed by: B.A.D.
Drawn by: W.D.G.
Checked by: J.D.G.
Job Number: CELL 2

James W McKee Date
(Maryland Registered No 9012)